

REMARKS

Initially, applicant would like to thank the Examiner for the helpful and courteous telephonic interview he conducted with applicant's undersigned representative on or about April 18, 2004. The application of the prior art references, especially Shiota et al., to the independent claims was discussed. The Examiner indicated that: he considers the Shiota reference to be particularly relevant to the embodiments of the present invention including penetrating portions, and that it is his opinion that it would have been obvious to persons of ordinary skill in the art to move Shiota's cylindrical cloth to any portion of the airbag, such as discussed in the In re Japiske discussed at item 8 of the Office Action. In response to the representative's discussion that the claimed feature of forming a joint portion by sewing the upper and lower exterior airbag panels together is much simpler, efficient and cost effective than Shiota's cylindrical cloth, the Examiner indicated that a claim directed to such feature might receive favorable consideration, especially where the location of the joint portion is also more clearly specified, e.g., in a neck region of the airbag adjacent the opening through which gas from the inflator flows into the airbag. However, no agreement was reached.

Upon entry of the present Amendment, claims 5, 21, and 23 remain in the application, of which claims 5, 21 and 23 are independent.

Claims 5, 21, and 23 are amended herein by being rewritten in independent form, including all of the limitations of the claims from which they formerly depended. Also these claims are amended to overcome the Examiner's rejection under 35 USC 112, second paragraph, by deleting the term "appropriate" and further defining that the term "narrow" is used relative to the occupant restraint portion. The remaining claims, 1-3, 6-9, 12-20, and 22, are cancelled herein without prejudice and without dedication or

abandonment of the subject matter thereof.

The applicant respectfully submits that the above amendments are fully supported by the original disclosure, including the original claims, and do not introduce any new matter into the application. Still further, applicant respectfully submits that the above amendments do not raise any new issues for consideration by the Examiner, again, because they simply involve rewriting three dependent claims in independent form, and by making minor changes intended to overcome the rejection under 35 USC 112, second paragraph.

In view of the above amendments, the rejection of claims 1-3, 5-9 and 12-23 under 35 USC 112, second paragraph, is believed to be overcome, and it is respectfully requested that the rejection be reconsidered and withdrawn.

Allowable Subject Matter

Applicant gratefully acknowledges the Examiner's indication at item 9 of the Office Action that claims 21 and 23 contain allowable subject matter and would be allowable if rewritten in independent form and to overcome the rejection under 35 USC 112, second paragraph. . The applicant has amended claims 21 and 23 herein in accordance with the Examiners suggestions, and thus claims 21 and 23 are in condition for immediate allowance.

The above-identified Office Action has been reviewed, the references carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment is submitted.

Art Based Rejection of Claims

In light of the above amendments, including claim cancellations, the only remaining rejection from the final Office Action is the rejection of claim 5 under 35 USC

103(a) as being unpatentable over Shiota et al. in view of Igawa. The Examiner states that in Figures 8A and B, Igawa teaches two sides of an air bag sewn together at d, and that it would have been obvious to modify Shiota et al. to include exterior panels of airbags sewn together as taught by Igawa in order to form a penetrating joint portion in a simplified manner.

Applicant's Response

Upon careful consideration applicant respectfully traverses such rejection, and submits that claim 5 is patentably distinct over the applied references, based on the foregoing.

Initially, applicant respectfully disagrees with this rejection since the claimed priority date of the present application predates the filing date of Igawa, i.e., the effective US filing date of the present application is 01 December 2000 based on the claim of priority from Japanese patent application 2000-367778, whereas Igawa's actual US filing date is 23 July 2001.

The applicant further disagrees with this rejection since the cited references, whether considered singly or in combination, do not disclose forming a joint portion within the narrow throated passageway adjacent to the opening portion by sewing opposed exterior panels of the airbag together such that the opposite sides confront each other along a sewn seam. Although Igawa may disclose sewing exterior panels of the airbag together, the applicant submits that Igawa's sewn portion is in the middle of the (main) occupant restraining portion of the airbag, and functions to restrict movement of the gas within the airbag when the occupant hits the airbag. Thus, the joint portion disclosed by the applicant is clearly more simple in structure than Shiota's cylindrical cloth, e.g., including only stitching connecting upper and lower surfaces of the airbag,

rather than a separate piece of cloth which is fixed within the airbag. Moreover, neither cited reference, alone or in combination, discloses a joint portion located in a neck region of the airbag adjacent the opening through which gas from the inflator flows into the airbag. These recited features provide an airbags of various volumes at a very low cost for use in different car types, while a single inflator having a constant output can be used commonly for different car types.

Still further, applicant respectfully submits that it would not be obvious to a person of ordinary skill in the art to hypothetically move Igawa's sewn joint to the narrow throated portion of his airbag and incorporate same into Shiota's airbag because such modification would violate-destroy the essential function of Igawa's sewn portion, i.e., to restrict movement of the gas within the airbag when the occupant hits the airbag.

Based on the foregoing, the rejection of claim 5 under 35 USC 103(a) as being unpatentable over Shiota et al. in view of Igawa is believed to be overcome, and it is respectfully requested that the rejection be reconsidered and withdrawn.

Conclusion

In conclusion, applicant has overcome the Examiner's as presented in the Office Action; and moreover, applicant has considered all of the references of record, and it is respectfully submitted that the invention as defined by each of the present claims is clearly patentably distinct thereover.

The application is now believed to be in condition for allowance, and a notice to this effect is earnestly solicited.

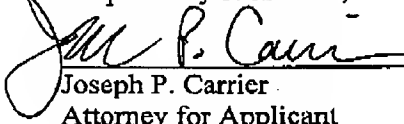
If the Examiner is not fully convinced of all of the claims now in the application, applicant respectfully requests that the Examiner telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

Entry of the present Amendment is respectfully requested under 37 CFR 1.116 on the grounds that: the Amendment merely adopt the Examiner's suggestions for making the claims more definite and for placing claims in allowable form; the number of issues is greatly reduced; and the Amendment is believed to place the application in condition for allowance.

Favorable reconsideration is respectfully requested.

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to the US Patent & Trademark Office, Art Unit 3616, on May 16, 2005.

